

COHEN & HOWARD, LLP

Attorneys for the Judgment Creditor to Philip Hartman, Jr.

Thirty-Four Marketplace, LLC

766 Shrewsbury Avenue, Suite 301

Tinton Falls, New Jersey 07724

(732) 747-5202

Aaron A. Mitchell (AM-0831)

**AFFIRMATION**

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF NEW YORK

-----X  
In re:

HELLO NEWMAN, INC.,

Case No.: 16-12910 (SCC)

Debtors.

-----X

Aaron A. Mitchell, Esq., being duly admitted to practice law in the State of New York and the Federal District Court for the Southern of New York affirms under the penalties of perjury that the following facts are true:

1. I am the attorney for Thirty-Four Marketplace, LLC (“Judgment Creditor”), in the above entitled action, and am fully familiar with all the pleadings and proceedings heretofore had herein.

2. I submit this affirmation in support of Judgment Creditor’s Motion Seeking an Order Directing the Trustee to pay any funds, distributions, and/or proceeds that would be due to Philip Hartman, Jr. -- either as a creditor and/or shareholder – to Judgment Creditor, as Judgment Creditor to Mr. Hartman up to the full amount of the judgments against Mr. Hartman, including interest.

3. On August 12, 2016, Judgment Creditor filed and domesticated in the Southern District of New York (docketed as: 16-Misc-302), two judgments initially entered in the United States District Court, District of Maryland against Philip Hartman,

Jr. A true copy of the domesticated and underlying judgments annexed hereto, incorporated herein by reference and identified herein as “Exhibit A”.

4. The judgments were the result of an action brought in Maryland (the “Maryland Action”) related to the breach of commercial lease and enforcement of a personal guaranty against Mr. Hartman related to the commercial lease.

5. Mr. Hartman appeared in the Maryland Action and the initial judgment -- entered January 12, 2016 in the sum of \$465,826.05 with pre-judgment interest through July 31, 2015 -- was granted upon a motion for summary judgment, the subsequent judgment -- entered March 29, 2016 in the sum of \$81,107.91 -- with pre-judgment interest through July 31, 2016 -- was the result of a petition and application for reasonable attorneys’ fees and expenses which was filed after the initial judgment was entered and liability established.

6. On or about May 25, 2017, your Affirmant did serve upon the Trustee in this proceeding a Restraining Notice to Garnishee pursuant to the New York Civil Practice Laws and Rules § 5222(b). A true copy of the Restraining Notice is annexed hereto, identified as “Exhibit B”, and incorporated herein by reference.

7. On June 14, 2017, your Affirmant, on behalf of Judgment Creditor filed in this Court a letter putting the Trustee, all parties, and creditors on notice that Thirty-Four Marketplace, LLC was (and remains) a Judgment Creditor of Philip Hartman, Jr., a shareholder and creditor to Hello Newman, Inc. (See Docket #67, amended to include a copy of the underlying, domesticated judgment at Docket # 69). For the Court’s convenience, a true copy of the June 14, 2017 Notice is annexed hereto, identified as “Exhibit C”, and incorporated herein by reference.

8. Judgment Debtor Mr. Hartman made no objection to the June 14, 2017 Notice and would have no justifiable basis to do so.

9. Post-Judgment interest on the initial Judgment amount of \$465,826.05 at the rate of .65% from January 12, 2016 to July 11, 2017 (\$8.29 *per diem*) is \$4,534.56, making the total amount due as to the January 12, 2016 judgment -- as of July 11, 2017 -- \$470,360.61.

10. Post-Judgment interest on the second Judgment amount of \$81,107.91 at the rate of .64% from March 29, 2016 to July 11, 2017 (\$8.29 *per diem*) is \$667.40, making the total amount due as to the March 29, 2016 judgment -- as of July 11, 2017 -- \$81,775.31.

11. For each judgment, interest has been calculated from the date of the entry of the judgment, at a rate equal to the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding the date of the judgment pursuant to 28 U.S.C. 1961.

12. For the reasons stated above, Thirty-Four Marketplace, LLC, as Judgment Creditor, is entitled to any funds that would be paid and/or disbursed to Philip Hartman, Jr. up to the sum of its judgments -- collectively totaling \$552,135.92 as of July 11, 2017.

WHEREFORE, Thirty-Four Marketplace, LLC respectfully requests that the Court issue an order directing the Trustee to pay to Thirty-Four Marketplace, LLC, any sums that would otherwise be paid to Philip Hartman, Jr., in his capacity as a creditor and/or shareholder of Hello Newman, Inc. up to an including any and all amounts necessary to fully satisfy its judgments against Philip Hartman, Jr. -- collectively totaling

\$552,135.92 as of July 11, 2017 -- together with such other further and different relief as the court may deem just and proper.

Dated: New York, New York  
August 9, 2017

Respectfully submitted,

Cohen &amp; Howard, LLP

BY \_\_\_\_\_ /s/  
Aaron A. Mitchell, Esq. (AM0831)  
Attorney for Judgment Creditor  
766 Shrewsbury Ave., Suite 301  
Tinton Falls, NJ 07724  
(732) 747-5202  
amitchell@cohenandhoward.com